

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SHARON ADAMS,

Plaintiffs,

v.

WALMART, INC., a foreign corporation,

Defendants.

Civil Action No. 2:21-cv-00538

DEFENDANT WALMART INC.'S NOTICE
OF REMOVAL OF ACTION PURSUANT
TO U.S.C. SECTIONS 1332, 1441, AND 1446

TO: CLERK, U.S. DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON

AND TO: PLAINTIFFS' COUNSEL OF RECORD

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Walmart Inc. ("Walmart") hereby removes this action from the Superior Court of the State of Washington in and for the County of Whatcom to the United States District Court for the Western District of Washington.

I. STATEMENT AND GROUNDS FOR REMOVAL

1. On or about March 19, 2021, Plaintiff filed a lawsuit in Whatcom County Superior Court entitled *Sharon Adams v Walmart, Inc.*, cause number 21-2-00280-37 (the "State Court Action"). *See Declaration of Colin J. Troy*, Ex. A Complaint for Money Damages. Plaintiff served Walmart with a copy of the Summons and Complaint for Money Damages on or about March 23, 2021. *Declaration of Colin J. Troy*, Ex. B. Plaintiff claims that as a result of Walmart's negligence,

DEFENDANT WALMART INC.'S NOTICE OF
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1 she has suffered and continues to suffer past and future physical disability and pain, emotional
2 trauma, aggravation, anxiety, medical expenses, and other damages. *See Declaration of Colin J.*
3 *Troy*, Ex. A, Complaint for Money Damages. Therefore, the amount in controversy appears to be in
4 excess of \$75,000. *Declaration of Colin J. Troy* at ¶ 9.

5 2. Walmart has answered the Complaint filed in the State Court Action. The documents
6 attached to the *Declaration of Colin J. Troy* as Exhibit A constitute all of the pleadings filed in the
7 State Court Action. Walmart represents that, apart from the materials attached to the *Declaration of*
8 *Colin J. Troy* as Exhibit A, it has received no other process, pleadings, motions or orders in this
9 action.

10 3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332.
11 There is complete diversity of citizenship between the parties because Plaintiff is a resident of
12 Whatcom County, Washington. *See Declaration of Colin J. Troy*, Ex. A, Complaint for Money
13 Damages. Defendant Walmart is a Delaware corporation with headquarters located in Bentonville,
14 Arkansas. *Declaration of Colin J. Troy*, Ex. C.

15 4. Walmart reserves the right to amend or supplement this Notice of Removal.

16 5. Should Plaintiff file a motion to remand this case, Walmart respectfully requests the
17 opportunity to respond more fully in writing, including the submission of affidavits or other
18 authority.

19 6. By filing this *Notice of Removal*, Walmart does not waive, and expressly reserves, all
20 defenses available under Rule 12 of the Federal Rules of Civil Procedure.

21 II. INTRADISTRICT ASSIGNMENT

22 7. This claim is pending in the county of Whatcom, Washington, and assignment to a
23 judge in Seattle is appropriate.

24 III. NOTICE TO THE STATE COURT AND PROPER FILING OF RECORDS

25 8. A notice of the filing of this *Notice of Removal* and a true copy of this *Notice of*

1 *Removal* will be filed with the Clerk of the Superior Court of the State of Washington in and for the
2 County of Whatcom as required by 28 U.S.C. § 1446(d).

3 9. Copies of all records and proceeding in the state court together with the *Declaration*
4 *of Colin J. Troy* verifying that they are true and complete copies of all the records and proceedings in
5 the State Court Action are filed concurrently with this *Notice*.

6 WHEREFORE, Walmart requests that this case currently pending in the Superior Court of
7 Whatcom County to be placed on the docket of the United States District Court for the Western
8 District of Washington.

9
10 DATED: April 21, 2021

WOOD, SMITH, HENNING & BERMAN LLP

11
12 s/Colin J. Troy

13 Colin J. Troy, WSBA #46197

14 ctroy@wshblaw.com

15 801 Kirkland Avenue

16 Kirkland, WA 98033

17 Phone 206-204-6800

18 Attorneys for Walmart Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2021, I electronically filed DEFENDANT WALMART, INC.'S NOTICE OF REMOVAL OF ACTION PURSUANT TO U.S.C. SECTIONS 1332, 1441 AND 1446 with the Clerk of the Court using the CM/ECF.

I hereby certify that the following have been served via CM/ECF electronic service:

ATTORNEY FOR PLAINTIFF

Kathryn Knudsen
Ruiz & Smart PLLC
1200 Fifth Avenue, Suite 1220
Seattle, WA 98101
Email: kknudsen@ruizandsmart.com

DATED this 21st day of April, 2021.

/s/Keaton McKeague
Keaton McKeague
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